

ASSEMBLY BILL

No. 1428

Introduced by Assembly Member Levine

February 22, 2005

An act relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 1428, as introduced, Levine. Commercial pet cloning.

Existing law provides for the regulation of various types of businesses by the Department of Consumer Affairs.

This bill would declare the intent of the Legislature to prohibit the commercial sale and transfer of cloned or genetically modified pet animals within California.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) The short but well-documented history of the cloning and
- 4 genetic modification of animals offers indisputable evidence that
- 5 technological developments come at great cost to the animals
- 6 involved. A preponderance of scientific studies have
- 7 demonstrated that cloned and genetically modified animals are
- 8 subject to abnormally high rates of miscarriage, still birth, early
- 9 death, deformity, disease, and other serious medical conditions.
- 10 (b) California and the United States have established historical
- 11 and legal precedents requiring that the potential for suffering
- 12 inflicted on humans or animals by scientific research be balanced

1 against the potential for advancements in animal or human health
2 and society's general welfare.

3 (c) Scientific laboratories which perform closed door
4 experiments in animal cloning and genetic modification are
5 avoiding public oversight that mandates basic standards of
6 animal care and use. These laboratories have failed to offer
7 persuasive, authenticated documentation of how many animals
8 are used in their laboratories, where they come from, or their
9 fate.

10 (d) Public or private corporations experimenting on and selling
11 genetically modified and cloned animals are treating science
12 solely as proprietary information to be exploited for capital gain
13 while offering no potential benefit to society's animal or human
14 health or society's general welfare. These corporations
15 compromise, rather than contribute to, the advancement of
16 science, animal welfare, or veterinary medicine.

17 (e) To date, private corporations operating in conjunction with
18 closed door laboratories have engaged in all of the following:

19 (1) The production and sale of cats that are marketed to
20 California consumers as cloned replicas, despite the fact that
21 current animal cloning technology cannot guarantee that clones
22 will be identical in appearance or exhibit the behavioral traits of
23 their donors.

24 (2) The collection of DNA and cash payments toward the
25 future cloning of species, including dogs, that have never been
26 successfully cloned in any form.

27 (3) The marketing and sale of transgenic species, including
28 hypoallergenic cats, that do not exist and therefore have not been
29 studied to assess possible threats to consumer safety or risks to
30 public health. This behavior conclusively demonstrates predatory
31 marketing practices that capitalize on consumer hopes while
32 exhibiting blatant disregard for scientific reality and an absence
33 of concern for public safety.

34 (f) Each year, an estimated 1.5 million dogs and cats pass
35 through California's animal shelters, where two out of every
36 three are euthanized, costing state and local governments more
37 than fifty million taxpayer dollars (\$50,000,000), despite the fact
38 that it is the official policy of California that no adoptable or
39 treatable animal should be euthanized (Section 1834.4 of the
40 Civil Code and Section 17005 of the Food and Agriculture

1 Code). In pursuit of this ideal, which underscores a shared
2 concern for the welfare of humans and animals, it is antithetical
3 to permit a new commercial practice that promotes consumer
4 demand for stylized pets as a value which outweighs ethical
5 concerns for the suffering of animals.

6 SEC. 2. It is the intent of the Legislature to prohibit the
7 commercial sale and transfer of cloned or genetically modified
8 pet animals within California.

O